(25)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 5345 OF 2005

PETITIONER		Budhwara Bai Satnami, W/o. Holi Ram Satnami, Aged about 75 years, R/o. village Salkhan, P.S. shivriNarayan, Tahsil Navagarh, Dist. Janjgir-Champa, Chhattisgarh.
	Vs.	
RESPONDENT	1.	State of Chhattisgarh, Through Secretary, Home Department, Office situated at Secretariat Raipur, Chhattisgarh.
	2.	Station House Officer, P.S. ShivriNarayan, Tahsil Navagarh, Dist. Janjgir-Champa, Chhattisgarh.
	3.	Gram Panchayat, Salkhan, through Sarpanch, situated at village Salkhan, Tashsil Navagarh, Dist. Janjgir-Champa, Chhattisgarh.
	4.	Chawan Samati, through President situated at village Salkhan, Tahsil Navagarh, Dist. Janjgir-Champa, Chhattisgarh.

Present : Shri N.S. Dhurandhar, learned counsel for the petitioner.
Shri Utkarsh Verma, learned Dy. G.A. for the State.

(ORAL ORDER)
(Passed on 16th February, 2006)

The grievance of the petitioner, to put it briefly, is as follows :

The petitioner was granted Bhumiswami right by way of Patta with regard to land bearing Khasra No. 57/1 (Kh), area 0.13 decimal on 29.09.1981, by the Tehsildar, Janjgir Champa and a copy of grant order is marked as Annexure-A/1. After the grant, the petitioner constructed a

pakka building spending about Rs.2,50,000/-. When the matter stood thus, in the month of June 2005, the President of Chawan Samati, the 4th respondent herein, without any justification and semblance of legal right over the above land, demolished the pakka building constructed by the petitioner. The petitioner, thereafterwards, complained to the respondents 1 and 2 who are the Governmental Authorities, but, no action has been taken by them. With the above allegation, the petitioner has sought for intervention of the Court.

(2) I am at a loss to understand how this writ petition is maintainable under Article 226 of the Constitution of India. Admittedly, the 4th respondent is a private body. This writ petition does not involve any public law element. This is a pure and simple dispute between the two private parties with regard to a land property. If the 4th respondent, as alleged, without any legal right or justification has demolished the building erected by the petitioner in the land granted to her, she could certainly work-out her legal remedies by pursing private law remedies like declaration, injunction and damages by instituting a suit before the jurisdictional Civil Court. On that short ground, I dismiss the writ petition, however, reserving liberty as indicated above. No costs.

Sd/-
Chief Justice

Subbu